

Master Metals exec, aide plead guilty

By SANDRA LIVINGSTON

PLAIN DEALER REPORTER

Ohio → Douglas Mickey, president of Master Metals Inc., pleaded guilty yesterday to making false statements to the U.S. Occupational Safety and Health Administration about lead levels in his employees' blood.

Phillip S. Howard, a Macedonia consultant who advised Master Metals on safety and health issues, also pleaded guilty to making false statements to OSHA.

Sentencing before U.S. District Judge Sam H. Bell will be Feb. 12 in Akron.

"This is an indication Mr. Mickey has accepted responsibility for the charge set forth in the information," said Patrick M. McLaughlin, lawyer for Mickey. The information was filed last month and takes the place of an indictment by a grand jury.

Howard could not be reached for comment.

The government charged Mickey

knew in 46 instances that employees' blood-lead levels were higher than reported to OSHA. It also said that in 24 instances employees said to have refused blood tests had submitted to them. Six employees said to be on vacation also had blood tests.

Howard was said to have falsely stated that Master Metals employees had certain blood-lead levels, or had refused testing, when he knew blood-lead levels were higher than represented.

SEE MASTER/4-A

EPA Region 5 Records Ctr.



268119

Master

FROM/1-A

Paul Falkowski, a safety and health specialist with the United Steelworkers of America, which represents plant workers, said he first discovered the false reports in the spring of 1990. He said medical records he asked Mickey to send to the union's consulting physician had higher blood-lead levels than the reports given to OSHA.

Separately, two months after that discovery, a federal judge in Cleveland ordered the removal of most of the company's 40 workers because they had excessively high lead levels.

At the time, several workers had levels more than double the allowed level. Excessive exposure to lead can cause kidney damage, anemia, neurological damage and reproductive damage.

Mickey faces five years of prison and a \$250,000 fine, but the U.S. Attorney's office said it will seek eight

to 14 months of prison.

Howard faces six-months' imprisonment and a \$5,000 fine. The government is recommending six months of home detention. The plea agreement says the appropriate fine is \$5,000.

Yesterday's plea agreement says Mickey accepts responsibility for making false statements to OSHA, and the government will not bring charges against Master Metals for false reports of employee blood-lead levels made before the guilty plea was entered.

Master Metals recovers lead from scrap and other products and sells it. The W. 3rd St. company has had a history of environmental and worker-health violations.

In August, the Ohio Environmental Protection Agency shut down the company for health-threatening violations of air standards. Master Metals was allowed to resume partial operations in October and could be fully operational again this month.

Cleveland OH
Plain
Dealer

12-7-92

Environment

Safer soil is state's New Year resolution

If adopted, cleanup rule would affect thousands of contaminated sites

By DON BEHM

Journal environment reporter

Madison, Wis. — It's time to clean our dirty soil the right way, state environmental officials say.

So, in the new year, the state Department of Natural Resources has resolved to add soil-quality rules to its arsenal of environmental protection regulations.

If adopted, the proposed "comprehensive environmental cleanup rule" will affect cleanup actions at thousands of sites each year, according to Mark Giesfeldt, chief of the DNR's environmental response and repair section.

For starters, the department has identified more than 5,000 leaking underground fuel storage tanks in the state — including nearly 100 in the City of Milwaukee alone — all targeted as high priorities for action.

Also, there are about 1,200 spills of hazardous chemicals or petroleum fuels each year. Those include truck accidents, pipeline ruptures and spills at manufacturing plants.

In addition, the rule will impose soil restoration standards on the state's 40 Superfund sites and the abandoned dumps and factories on a separate list of 140 other places considered threats to the environment. That list of threats includes several public water wells contami-

nated with solvents or other chemical wastes, pollution for which investigators have been unable to find the source.

At each of those cleanup sites, under the proposal, the DNR would not agree to end remedial work until soil was restored to specific levels of cleanliness.

LANDFILLS COVERED, TOO

The rule would apply as well to licensed landfills found to be leaking. Owners would need to cleanse the soil to top condition, just as they would be required now to cleanse contaminated ground water to a certain purity.

On Thursday, the state Natural Resources Board will be asked to approve a schedule of public hearings to discuss the plan. Such a move would indicate board support of the plan's goals, if not of its specific mandates.

However, there are obstacles in the rule's path to final adoption.

For one, special interest groups have taken turns criticizing the soil standards as either too lenient or too stringent, according to Giesfeldt. His response: There is no way to please all sides, and the middle ground may be the best place to stand.

The state's current spill control regulations set up a broad "cleanup goal" of removing all hazardous compounds, if possible. If not, then the owner of a site must restore it to the extent that available technology can do the job at a reasonable price.

The new plan, however, would

allow some contamination to remain in soil only if it would not contaminate ground water or threaten public health, according to Giesfeldt.

In addition, the proposal requires any residual contaminants to be monitored over time, to ensure that they do not become a problem.

The draft rule, known officially as Natural Resources Chapter 700 of the state administrative code, will ensure that all state-ordered and voluntary efforts to cleanse contaminated sites will be judged by a consistent set of standards, Giesfeldt said.

CREATES GUIDELINES

Generally, the rule creates a set of guidelines for property owners and their contractors on how to investigate the extent of pollution, evaluate its potential health effects and select appropriate cleanup measures, according to Giesfeldt.

The proposed code will help clarify the responsibilities of contractors and landowners, Giesfeldt said. Of course, such a uniform code also would be easier to enforce and would enable the DNR and state Justice Department to prosecute uncooperative citizens and businesses.

If the Natural Resources Board approves having public hearings on the draft plan, DNR staff intend to schedule six sessions for citizen comment between March 22 and June 4. Meetings are tentatively planned at Eau Claire, Wausau, Milwaukee, Madison, Green Bay and Spooner.

Prior to those hearings, the DNR will invite special interest groups to a series of 10 informal meetings to review the plan. The next information session will be Dec. 16 at Stevens Point and will be open to farm cooperatives and other agricultural associations.